REMARKS

Westman describes a temporary site based user group involving mobile devices in the context of, for instance, a conference. A host device (or one of the mobile devices) can set up a user group. There are two use cases described in Westman. The first involves a host device collecting information and registering a plurality of mobile devices into a temporary user group. Under this case, each member of the group is then free to communicate with one another since the entire 'buddy' list is sent to all who register. (See, ¶ [0036]). The second case is when the host device registers localized mobile devices but does not share the registration list among the users. Rather, the host device keeps this information to itself and only allows broadcast messages to go to the users on the list. (See, ¶ [0038]).

The Examiner correctly points out that any 'buddy' list or user group created under the teachings of Westman does not include push-to-talk/media (PTT/M) functionality.

Gourrard is cited by the Examiner as a reference that discloses "a method of creating a temporary site dependent push-to-talk/media (PTT/M) group for allowing PTT/M communications" (See, p.4/¶ 1 – Current Office Action). This is not entirely accurate since Gourrard does not describe creating either a 'temporary' nor a 'site dependent' PTT/M user group. Gourrard describes a registration process by which individual users (mobile devices) can subscribe to a content service provider to receive targeted information. Gourrard describes a broadcast system (See, ¶ [0034]) rather than a two-way communication system between specified devices. Gourrard's system is neither time nor location dependent since it does not utilize a short range RF subsystem to register and de-register members of the group. In fact, there are no provisions made for de-registration meaning that it is not intended to be temporary in nature.

The embodiments disclosed and claimed in the present application differ than those described by Westman and Gourrard and any reasonable combination thereof. The present application describes and claims a temporary site dependent system that is managed by the site. The example given in the application is that of a restaurant. The restaurant maintains a local server to manage the temporary PTT/M group. As patrons enter, they can register with the local server giving them

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PTT/M access to the site's local devices. Each mobile registers with the site and the site's mobiles register with each mobile. What is intentionally missing in the claimed process is that each visiting mobile is unaware of other visiting mobiles. Each visiting mobile may only engage in PTT/M communications with the devices associated with the site (e.g., waitress, bartender, hostess, etc..) but not with other visiting mobiles. The site maintains the 'buddy' list and only provides access to its devices not other visiting mobiles via the registration and de-registration process. This is clear upon reading the independent claims of the present application.

This communications architecture is different from that of Westman in that the group is not comprised of all devices that register with the host device. Westman allows communication between and among visiting mobile devices in one embodiment and only allows broadcast messages to be received by the visiting devices from the host device in another embodiment. Neither of these embodiments accurately describes what has been described and claimed in the present application. The present application does not allow communications among visiting mobiles, only communications among each visiting mobile and the plurality of site devices.

Similarly, Gourrard is based on the premise of receiving broadcast messages from a content service provider only and not providing targeted two-way PTT/M communications between specified devices. Thus, normal PTT/M communications between or among group users cannot take place in Gourrard as is claimed in the present application.
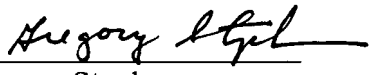
In addition, claims 5 and 6 deal with location based services in general and GPS location based services specifically. Gourrard is simply not a location based service at all and nothing in ¶s 36-39 or 43-44 suggests or teaches otherwise. Moreover, Westman ¶s 41-42 merely describe sending broadcast messages to past groups. There is nothing whatsoever about location based services being utilized by Westman.

Thus, the Westman/Gourraud combination does not teach or suggest each and every step or element that is claimed by the present invention. Applicant respectfully requests reconsideration and withdrawal of the 35 USC 103(a) rejections based on Westman in view of Gourraud.

Respectfully submitted,

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